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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,669	12/31/2001	Christopher J. Edge	1001-208US01	9448
28863	7590	10/06/2003	EXAMINER	
SHUMAKER & SIEFFERT, P. A. 8425 SEASONS PARKWAY SUITE 105 ST. PAUL, MN 55125			LE, TOAN M	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Application No.	Applicant(s)
	10/039,669	EDGE, CHRISTOPHER J.
	Examiner Toan M Le	Art Unit 2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 July 2003.
  - 2a) This action is FINAL.                    2b) This action is non-final.
  - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-60 is/are pending in the application.
    - 4a) Of the above claim(s) 13-33 and 46-60 is/are withdrawn from consideration.
  - 5) Claim(s) \_\_\_\_\_ is/are allowed.
  - 6) Claim(s) 1-12 and 34-45 is/are rejected.
  - 7) Claim(s) \_\_\_\_\_ is/are objected to.
  - 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____    | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

Applicant's election without traverse of claims 1-12 and 34-45 in Paper No. 4 is acknowledged.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-12 and 34-45 are rejected under 35 U.S.C. 102(a) as being anticipated by “Spyder with PhotoCAL User Guide”, Referred hereafter Spyder.

Referring to claims 1 and 34, Spyder discloses a method and a computer readable medium storing program code that when executed calibrates an imaging device for calibrating an imaging device (page 3, Overview section: line 1) comprising: characterizing the imaging device with a device model such that an average error between expected outputs determined from the device model and measured outputs of the imaging device is on the order of an expected error (page 3, Overview section: lines 26-28; page 5, lines 1-2; figure of CRT Spyder Installation on page 6; page 11 lines 12-13); and adjusting imaging rendering on the imaging device to achieve a target behavior (page 3, Overview section: fourth paragraph; figure of Select Gamma on page 7; figure of Select Color Temperature on page 8).

As to claims 2 and 35, Spyder discloses a method and a computer readable medium storing program code that when executed calibrates an imaging device for calibrating an imaging device (page 3, Overview section: line 1), wherein measured outputs define a subset of device

values substantially corresponding to neutral colors (page 3, Overview section: lines 1-4; page 10, first and second paragraphs; figure of Identify Display Controls).

Referring to claims 3 and 36, Spyder discloses a method and a computer readable medium storing program code that when executed calibrates an imaging device for calibrating an imaging device (page 3, Overview section: line 1), wherein the imaging device comprises a cathode ray tube, and wherein neutral colors have substantially equivalent red, green and blue device values (page 10, first and second paragraphs; figure of Identify Display Controls).

As to claims 4 and 37, Spyder discloses a method and a computer readable medium storing program code that when executed calibrates an imaging device for calibrating an imaging device (page 3, Overview section: line 1), wherein adjusting image rendering comprises adjusting image data applied to the imaging device (figure of Select Gamma on page 7; figure of Select Color Temperature on page 8).

Referring to claims 5 and 38, Spyder discloses a method and a computer readable medium storing program code that when executed calibrates an imaging device for calibrating an imaging device (page 3, Overview section: line 1), wherein adjusting image data further includes creating entries for a lookup table (LUT) based on the device model (page 3, Overview section: lines 1-4; page 12, figure of Save Profiles).

As to claims 6 and 39, Spyder discloses a method and a computer readable medium storing program code that when executed calibrates an imaging device for calibrating an imaging device (page 3, Overview section: line 1), wherein adjusting image data further includes creating a color profile for the imaging device based on the device model (page 3, Overview section: lines 1-4 and fourth paragraph).

Referring to claims 7 and 40, Spyder discloses a method and a computer readable medium storing program code that when executed calibrates an imaging device for calibrating an imaging device (page 3, Overview section: line 1), wherein the device model has one or more adjustable parameters, the method further comprising characterizing the imaging device with the device model by choosing values for the adjustable parameters of the device model (figure of Introduction on page 4; page 15, lines 1-2; figure of RGB Setup on page 16).

As to claims 8 and 41, Spyder discloses a method and a computer readable medium storing program code that when executed calibrates an imaging device for calibrating an imaging device (page 3, Overview section: line 1), wherein a number of the adjustable parameters is less than a number of measured outputs of the imaging device (figure of Identify Display Controls on page 10).

Referring to claims 9, 12, 42, and 45, Spyder discloses a method and a computer readable medium storing program code that when executed calibrates an imaging device for calibrating an imaging device (page 3, Overview section: line 1), wherein the imaging device is a cathode ray tube and the adjustable parameters comprise a gamma value and a black onset value (figure of Select Gamma on page 7; figure of Set Brightness on page 9).

As to claims 10 and 43, Spyder discloses a method and a computer readable medium storing program code that when executed calibrates an imaging device for calibrating an imaging device (page 3, Overview section: line 1), wherein the imaging device is a cathode ray tube and the target behavior corresponds to a defined gamma value (figure of Select Gamma on page 7).

Referring to claims 11 and 44, Spyder discloses a method and a computer readable medium storing program code that when executed calibrates an imaging device for calibrating an

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imaging device (page 3, Overview section: line 1) comprising: characterizing the imaging device with a device model having a set of adjustable parameters (page 3, Overview section: lines 26-28; figure of Introduction on page 4); measuring color output from the imaging device (page 3, Overview section: lines 26-27); and reducing error between the measured color output and expected color output as defined by the device model by adjusting the adjustable parameters of the device model (figure of Select Gamma on page 7; figure of Select Color Temperature on page 8).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5363318 to McCauley      U.S. Patent No. 5638117 to Engeldrum et al.

U.S. Patent No. 4749907 to Boatwright et al. U.S. Patent No. 5561459 to Stokes et al.

U.S. Patent No. 5619349 to Ueda et al.      U.S. Patent No. 5754222 to Daly et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan M Le whose telephone number is (703) 305-4016. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

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Toan Le

September 9, 2003



John Barlow  
Supervisory Patent Examiner  
Technology Center 2800